JAN 17 2008

PATEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Hahn-Carlson

Examiner:

Backer, F.

Serial No.:

09/527,717

Group Art Unit:

3621

Filed:

March 17, 2000

Docket No.:

USBA.004PA

Title:

VALIDATION APPROACH FOR AUDITING A VENDOR-BASED

TRANSACTION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on January 13, 2006.

Petition Under 37 C.F.R. § 1.181 To Withdraw Erroneous Holding Of Abandonment

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests withdrawal of the holding of abandonment in patent application serial no. 09/527,717. Though no fees should be incurred in view of the following evidence and facts which support this request, authorization is given to charge/credit Deposit Account 50-0996 (USBA.004PA) as might be deemed required for entry of this Petition.

Applicant has recently received a Notice of Abandonment dated January 9, 2006 (Exhibit A). Applicant's representative (the undersigned) has carefully reviewed the aforementioned communication, and respectfully concludes that this Notice was issued in error because the Notice is based on an alleged non-receipt of a Response paper to the Office Action dated June 10, 2005.

EVIDENCE THAT RESPONSE DATED 10/6/2005 WAS RECEIVED AND ENTERED BY THE U.S. PATENT AND TRADEMARK OFFICE

1) An Office Action Response was timely filed by first class mail on October 6, 2005, with executed certificate of transmittal under 37 CFR § 1.8 and accompanied by a Petition for One-Month Extension of Time. The Office of Initial Patent Examination received and entered the Response as confirmed by the attached USPTO PAIR printout of the first page of the Response, bearing the OIPE date stamp of OCT 11 2005 (Exhibit B)

- 2) The Petition for Extension of Time was also received and entered, as evidenced by the attached USPTO PAIR printout, bearing the OIPE date stamp of OCT 11 2005 (Exhibit C).
- 3) Applicant became concerned during the month of November 2005 and thereafter when it was observed that the Response paper 10/6/2005 was not yet uploaded into USPTO PAIR website. In an attempt to avoid the instant situation, on December 12, 2005 a Status Inquiry (Exhibit D) was submitted to the United States Patent and Trademark Office with attached evidence (Deposit Account petition fee deduction) to prove receipt of the Response paper.
- 4) On January 12, 2006, we contacted the U.S. Patent Office by telephone regarding the notice of abandonment, and informed a representative that the Response paper and Petition for Extension of Time were retrievable via USPTO PAIR and were accorded an entry date of October 11, 2005.

REMARKS

It is believed that this petition is also timely presented under the Rules since Applicant is responding immediately after becoming aware that the case had been characterized as abandoned. In view of the above, Applicant respectfully requests that the holding of abandonment in patent application serial number 09/527,717 be withdrawn.

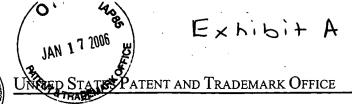
Please contact the undersigned attorney of record directly, should additional discussion be needed to bring this matter to resolution.

CRAWFORD MAUNU PLLC 1270 Northland Drive, Suite 390 St. Paul, MN 55120 (651) 686-6633 x101

Name: Robert J. Crawford

Respectfully Submitted

Reg. No.: 32,122



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

PPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/527,717	03/17/2000		Dean Hahn-Carlson	USBA.004PA	3103	
40581 7.	590 01/09/2006	2;		EXAMINER		
CRAWFORD MAUNU PLLC				BACKER, FIRMIN		
1270 NORTHLAND DRIVE, SUITE 390 ST. PAUL, MN 55120			ART UNIT	PAPER NUMBER		
,		•		3621		

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

011-6	Application No.	Applicant(s)	
Fo.		Applicant(s)	
AN J 7 2006 Notice of Abandonment	09/527,717 Examiner	HAHN-CARLSON, DEAN Art Unit	
		Artonit	
The MAIL ING DATE of this communication	FIRMN BACKER	3621	
The MAILING DATE of this communication	n appears on the cover sheet wit	h the correspondence address	
his application is abandoned in view of:	***	,	
 Applicant's failure to timely file a proper reply to the (a) ☐ A reply was received on (with a Certificat period for reply (including a total extension of times) 	e of Mailing or Transmission dated ne of month(s)) which expire	ed on	
(b) A proposed reply was received on, but It			
(A proper reply under 37 CFR 1.113 to a final reapplication in condition for allowance; (2) a timel Continued Examination (RCE) in compliance with	y filed Notice of Appeal (with appea	filed amendment which places the al fee); or (3) a timely filed Request for	
(c) ☐ A reply was received on but it does not confinal rejection. See 37 CFR 1.85(a) and 1.111.	onstitute a proper reply, or a bona fi (See explanation in box 7 below).	ide attempt at a proper reply, to the non-	
(d) 🔄 No reply has been received.			
☐ Applicant's failure to timely pay the required issue for from the mailing date of the Notice of Allowance (P) (a) ☐ The issue fee and publication fee, if applicable is a failure of the control of t	·OL-85).	Certificate of Mailing or Transmission da	
), which is after the expiration of the statut Allowance (PTOL-85).		fee (and publication fee) set in the Notice	
(b) The submitted fee of \$ is insufficient. A ba			
The issue fee required by 37 CFR 1.18 is \$		l by 37 CFR 1.18(d), is \$	
(c) The issue fee and publication fee, if applicable, it	nas not been received.		
Applicant's failure to timely file corrected drawings as Allowability (PTO-37).	s required by, and within the three-r	month period set in, the Notice of	
(a) Proposed corrected drawings were received on after the expiration of the period for reply.	(with a Certificate of Mailing	or Transmission dated), which is	
(b) No corrected drawings have been received.			
The letter of express abandonment which is signed the applicants.	by the attorney or agent of record, t	the assignee of the entire interest, or all o	
☐ The letter of express abandonment which is signed 1.34(a)) upon the filing of a continuing application.	by an attorney or agent (acting in a	representative capacity under 37 CFR	
☐ The decision by the Board of Patent Appeals and in of the decision has expired and there are no allowed	terference rendered on and l	because the period for seeking court revi	
☐ The reason(s) below:			
		Freum Bord	
		FIRMN BACKER Primary Examiner Art Unit: 3621	
etitions to revive under 37 CFR 1.137(a) or (b), or requests to w nimize any negative effects on patent term.	ithdraw the holding of abandonment un		
Palent and Trademark Office	itice of Abandonment	Part of Paper No. 3	





Exhibit B

PATENT

IN THE CAMPED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Hahn-Carlson

Examiner:

Backer, F.

Serial No.:

09/527,717

Group Art Unit:

3621

Filed:

March 17, 2000

Docket No.:

USBA.004PA

Title:

VALIDATION APPROACH FOR AUDITING A VENDOR-BASED

TRANSACTION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2005.

OFFICE ACTION RESPONSE AND AMENDMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Customer No. **40581**

Dear Sir:

In response to the non-final Office Action dated June 6, 2005, please consider the following amendment and remarks.

Amendments to the claims begin on page 2 and the Remarks begin on page 6.

Please charge/credit Deposit Account No.50-0996 (USBA.004PA) for any deficiency/surplus if necessary.

Also enclosed is a Petition for a One-month Extension of Time (including the requisite fee for large entity).

Exhibit

JAN 17 2006

JC06 Rec'd PCT/PTO 11 0CT 2005

TED STATES PATENT AND TRADEMARK OFFICE

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Hahn-Carlson

Examiner:

Backer, F.

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<u>PETITION FOR EXTENSION OF TIME</u>

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.136, it is respectfully requested that a one-month extension of time be granted in which to file the attached Office Action Response and Amendment. Please charge Deposit Account No. 50-0996 (USBA.004PA) in the amount \$120.00 to cover the extension fees for a large entity, with authorization to charge/credit necessary fees/overages to said Deposit Account to complete this filing.

CRAWFORD MAUNU PLLC 1270 Northland Drive, Suite 390 St. Paul, MN 55120 (651) 686-6633

Respectfully submitted,

By:

Robert J. Crawford Name:

Reg. No.: 32,122

10/13/2005 RADDF01 00000022 500996 09527717 01 FC:1251 120.00 DA

Exhibit I

molicant:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Hahn-Carlson

Examiner:

Backer, F.

erial No.:

09/527,717

Group Art Unit:

3621

Filed:

March 17, 2000

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Title:

VALIDATION APPROACH FOR AUDITING A VENDOR-BASED

TRANSACTION

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STATUS INQUIRY-RESPONSE FILED 10/6/2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

On behalf of patent application 09/527,717, kindly advise the undersigned attorney when the U.S. Patent and Trademark Office will enter the Response to Office Action which was filed on October 6, 2005 and which was accompanied by a Petition for One-Month Extension of Time. A duplicate copy of the Response Papers is re-provided herewith.

Applicant is concerned because USPTO PAIR does not yet show entry of the Response (PAIR printout).

As additional evidence of USPTO Receipt of the Response filed October 6, 2005, please find attached the October 2005 Deposit Account Statement (w/redaction). The USPTO Finance Department charged out the One-Month Extension of Time on October 13, 2005 in application 09,527,717 (Docket No. USBA.004PA).

Respectfully submitted,

CRAWFORD MAUNU PLLC

1270 Northland Drive

Suite 390

St. Paul, MN 55120

(651) 686-6633

Date: December (1), 2005

Robert J. Crawford

Reg. No. 32,122





Deposit Account Statement

Requested Statement Month:

Deposit Account Number:

Name:

Attention:

Address:

City: State:

Zip:

Country:

October 2005

500996

CRAWFORD PLLC

ROBERT J CRAWFORD

1270 NORTHLAND DRIVE

ST. PAUL

MN

55120

UNITED STATES OF AMERICA

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE	AMT :	BAL
10/13 75	09527717	USBA.004PA	1251	\$120.00 \$375.00	\$13,162.48 \$12,787.48
10/13 131	78572	TER LOCKET		\$300.00	\$12,487.48
10/13 147	PCT/USOF/2F40			\$1,000.00	\$11,487.48
10/13 148	PCT/LIS05/2540		1702	\$1,211.00	\$10,276.48
10/13 149	PCT/IIDA	2.1001	1100	\$637.00	\$9,639.48
10/13 150	PCT LCOF 10	3 3 11 D. 1031 01	0007	\$40.00	\$9,599.48
10/13 151	PO			•	- ·-





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hahn-Carlson

Examiner:

Backer, F.

Serial No.:

09/527,717

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Kelly J. Led

OFFICE ACTION RESPONSE AND AMENDMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450



Customer No. 40581

Dear Sir:

In response to the non-final Office Action dated June 6, 2005, please consider the following amendment and remarks.

Amendments to the claims begin on page 2 and the Remarks begin on page 6.

Please charge/credit Deposit Account No.50-0996 (USBA.004PA) for any deficiency/surplus if necessary.

Also enclosed is a Petition for a One-month Extension of Time (including the requisite fee for large entity).

In the Claims:

Please cancel claims 1-12 as indicated below. This listing of claims replaces all prior versions.

1-12. (canceled)

13. (previously presented) For transaction processing involving transaction information related to services provided from a vendor and one of plurality of subvendors and processed by one of a plurality of subvendor controlled merchant-offering providers, a method for validating a service transaction for auditing comprising:

generating transaction information prior to processing by subvendor; providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor; and

using a computer arrangement, maintaining data relating to the authorized profile list criterion and processing the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and by using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

14. (previously presented) A system for billing a vendor and subvendor, and paying a merchant-offering provider and a subvendor for a completed service-related transaction, comprising:

means for receiving a set of transaction information including the cost of service from a central processor arrangement; and

means for processing a credit account for the vendor, for verifying that the vendor has sufficient credit to fund the cost of service, for indicating when the account for the vendor should be debited, and for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution the cost of service.

15. (previously presented) A method for billing a vendor and subvendor, and paying a merchant-offering provider and a subvendor for a completed service-related transaction, comprising:

receiving a set of transaction information including the cost of service from a central processor arrangement; and

using a computer arrangement for processing a credit account for the vendor, for verifying that the vendor has sufficient credit to fund the cost of service, for indicating when the account for the vendor should be debited, for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution of the cost of the service.

16. (previously presented) For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a transaction validation system for auditing comprising:

a central processor arrangement programmed and configured:

to maintain data relating to an authorized profile list criterion and to business rules, the business rules defined according to the authorized profile list criterion; and

to process a business transaction submitted by an authorized user, the business transaction processed by using the authorized profile list criterion to determine that the user is authorized to perform the business transaction and by applying the business rules to perform the business transaction.

- 17. (previously presented) A transaction validation system for auditing, according to claim 16, wherein the authorized profile list criterion includes multiple levels of authorization.
- 18. (previously presented) A transaction validation system for auditing, according to claim 17, wherein at least two of the multiple levels of authorization respectively correspond to two different payment-authorization levels.

- 19. (previously presented) A transaction validation system for auditing, according to claim 17, wherein the central processor arrangement is further programmed and configured to provide correspondence between at least one of the levels of authorization to the requested transaction.
- 20. (previously presented) A transaction validation system for auditing according to claim 16, wherein the transaction is completed after correspondence is provided between at least one of the levels of authorization and the requested transaction.
- 21. (previously presented) A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.
- 22. (previously presented) A transaction validation system for auditing according to claim 1, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.
- 23. (previously presented) For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a processor arrangement programmed and configured to:

maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

determine whether the processed transaction information satisfies the authorized profile list criterion; and

use the authorized profile list criterion to generate information for auditing the processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

- 24. (previously presented) The processor arrangement of claim 23, further programmed and configured to use the authorized profile list criterion to generate information for auditing in response to the processor determining that the processed transaction information satisfies the authorized profile list criterion.
- 25. (previously presented) The processor arrangement of claim 24, further programmed and configured to effect payment for a transaction in response to the generated information.
- 26. (previously presented) For transaction processing involving transaction information related to remote services provided by one of a plurality of vendors and remotely processed by one of a plurality of merchant-offering providers, a local processor arrangement programmed and configured to:

maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

determine whether the remotely processed transaction information satisfies the authorized profile list criterion; and

use the authorized profile list criterion to generate information for auditing the remotely processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

27. (previously presented) The local processor arrangement of claim 25, further programmed and configured to generate information for auditing transactions occurring entirely separate from the local processor arrangement.

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Office Action dated June 6, 2005, indicated that claims 1-26 are rejected under 35 U.S.C. § 103(a) over Ginter et al. (U.S. Pat. No. 5,982,891) in view of Mandler et al. (U.S. Patent No. 5,732,400).

In an effort to facilitate prosecution, Applicant has reduced the number of claims by canceling claims 1-12 without prejudice and reserves the opportunity to pursue the canceled subject matter in a continuing application.

Applicant again respectfully requests that the Office Action Response and Amendment filed on July 9, 2003, be reviewed and, in view thereof, that the Examiner enter and address claim 27, which was added in the Office Action Response and Amendment of July 9, 2003.

According to the law, a §103(a) rejection cannot be maintained without considering all the limitations in the claim as well as the invention "as a whole." Applicant respectfully submits that the instant rejections ignore important claim limitations and, therefore, fails to consider the claimed invention "as a whole." Applicant also respectfully submits that the supporting rationale provided in the Office Action is based on mere conjecture that the proposed modification would achieve a result (e.g., ensure proper determination of whether to not to authorize a specific transaction). No evidence from either of the cited references has been identified as suggesting the proposed modification and, as is further discussed below, such a modification contradicts the teaching of the cited prior art. Without a presentation of evidence of either correspondence or motivation to combine the cited references, the Section 103(a) rejection cannot stand.

Turning first to the rejections of independent claims 13, 23 and 26, contrary to the Office Action's overview of the prior art (i.e., the '891 reference as modified by the '400 reference), this asserted prior art does not correspond to the claimed invention. The Office Action does not cite any aspect of either reference that relates to the claimed limitations of "... determining whether the transaction information satisfies the

authorized profile list criterion" The Office Action's reliance upon the '891 reference at column 282, line 16 – column 284, line 15, as teaching the claimed "...determining whether the transaction information satisfies the authorized profile list criterion" is misplaced. A review of this relied upon portion fails to reveal any discussion of such determination of an authorized profile list criterion being satisfied.

Further, the asserted combination of these teachings (the '891 reference as modified by the '400 reference) lack motivation. The Office Action fails to identify any evidence in support of the motivation, and such supporting evidence is required in order to sustain the argument that the skilled artisan would modify the relied-upon embodiment of the '891 reference with the cited teaching of the '400 reference. Moreover, the Office Action's argument that the skilled artisan would be so led to modify this embodiment of the '891 reference assumes that, without such modification, this '891 embodiment would not "ensure proper determination of whether to not to authorize a specific transaction." However, according to the '891 reference, this relied-upon embodiment (without modification via such teachings of the '400 reference) already teaches how to "help to ensure that information is accessed and used only in authorized ways, and maintain the integrity...." (abstract), and teaches that the object of this embodiment is to "provide[s] a new kind of 'virtual distribution environment' ... that secures, administers and audits electronic information use" (column 2, lines 22-25). Thus, the alleged motivation for modifying the '891 reference contradicts the reference's express teaching and purpose.

Applicant further submits that this alleged motivation for modifying the '891 reference violates a basic tenet of the law under §103: a §103 rejection cannot be maintained when the asserted modification undermines purpose or operation of the main reference. To so modify the '891 reference with the teachings from the '400 reference would result in an entirely different way in which the '891 reference's 'virtual distribution environment' would secure, administer and audit electronic information use. Further, such a modification of the '891 reference is tantamount to mixing teachings out of context. Such a rejection is not permissible under § 103. See also In re Kotzab, 217 F.3d 1365 (Fed. Cir. 2000) (proposed modification must not be made in the abstract but rather made in view of the entire teaching of the prior art).

Applicant also traverses the rejections of claims 14 and 15. As with the above-discussed claim rejections, the rejections of claims 14 and 15 also fail to consider each of the claimed limitations and, therefore, the claimed invention when considered "as a whole." Each of claims 14 and 15 include limitations directed to structure "for indicating when the account for the vendor should be debited, and for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution the cost of service" (e.g., as in claim 14). The Office Action relies upon the '891 reference at column 282, line 16 – column 284, line 15, as teaching this claimed functionality. However, a review of this relied upon portion, as well as the entire teaching of the '891 reference, fails to reveal any discussion of this functionality. Applicant requests that this §103 rejection also be withdrawn for lack of correspondence.

Moreover, Applicant submits that this §103 rejection should also be withdrawn for lack of any evidence of motivation. In view of the law discussed above and a lack of any cited evidence to support the notion that a skilled artisan would (need to) make the change, Applicant submits that the above-presented arguments and law also apply to this rejection.

Turning now to claims 16-26, the Office Action asserts that these claims correspond to the same inventive concept as set forth in claims 1-15. However, claims 16-26 include several limitations not found in claims 1-15. For example, claims 16-22 include limitations directed to use of business rules defined according to authorized profile list criterion. Other limitations that have been ignored by the Office Action include: multiple levels of authorization (claim 17), two different payment-authorization levels (claim 18), a central processing arrangement programmed and configured to provide correspondence between at least one of the levels of authorization to a requested transaction (claim 19), a processor that determines whether the processed transaction information satisfies the authorized profile list criterion (claim 23), using the authorized profile list criterion to generate information for auditing (claim 24), and determining whether the remotely processed transaction information satisfies the authorized profile list criterion (claim 26). In view of the above, Applicant respectfully traverses the Section 103(a) rejections.

Applicant accordingly requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that the rejection has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC 1270 Northland Drive, Suite 390

St. Paul, MN 55120 651/686-6633

By: Robert J. Crawford

Reg. No. 32,122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Hahn-Carlson

Examiner:

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By: /// Kelly I

PETITION FOR EXTENSION OF TIME

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.136, it is respectfully requested that a one-month extension of time be granted in which the attached Office Action Response and Amendment. Please charge Deposit Account No. 50-0996 (USBA.004PA) in the amount \$120.00 to cover the extension fees for a large entity, with authorization to charge/credit necessary fees/overages to said Deposit Account to complete this filing.

CRAWFORD MAUNU PLLC 1270 Northland Drive, Suite 390 St. Paul, MN 55120 (651) 686-6633 Respectfully submitted,

By: _

Name: Robert J. Crawford

Reg. No.: 32,122

Deposit Account Statement

Page 2 of 2

10/13 75 09527717

USBA.004PA

1251

\$120.00

\$13,162.48°